



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

GARY L. WISE, aka Gary Legrande Wise,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 6:09-01376-HFF-WMC
	§	
THE UNITED STATES OF AMERICA et al.,	§	
Defendants.	§	

ORDER

This case was filed as a pro se prisoner action. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the amended complaint be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 1, 2009, and the Clerk of Court entered Plaintiff's objections to the Report on September 22, 2009. The Court has reviewed the objections

but, except for a request to remove certain defendants, finds them to be without merit. Therefore, the Court will enter judgment accordingly.

Plaintiff has filed a motion to correct that removes Defendants Brown, Gooden and Sharp from this case. He requests the same relief in his objections. The motion is hereby **GRANTED** to the extent that Defendants Brown, Gooden and Sharpe are removed from this case.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that the amended complaint be **DISMISSED** without prejudice and without issuance and service of process.

IT IS SO ORDERED.

Signed this 23rd day of September, 2009, in Spartanburg, South Carolina.

s/ Henry F. Floyd _____
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.